

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

February 12, 2008

Charles R. Fulbruge III
Clerk

No. 06-61151
Summary Calendar

JORGE ULICES BENAVIDES-ALTAMIRANO

Petitioner

v.

MICHAEL B MUKASEY, U S ATTORNEY GENERAL

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A97 319 091

Before JOLLY, DAVIS, DeMOSS, Circuit Judges.

PER CURIAM:*

Jorge Ulices Benavides-Altamirano (Benavides), a native and citizen of Nicaragua, petitions this court for review of an order of the Bureau of Immigration Appeals (BIA) denying asylum and relief from removal. The BIA affirmed the conclusion of the immigration judge (IJ) that Benavides was not credible and had not made a credible showing of past persecution or the likelihood of future persecution by Sandinistas in Nicaragua.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Benavides contends that the IJ's credibility determination was not supported by the record. The IJ averted to significant inconsistencies in Benavides's statements and testimony in the record. Benavides therefore fails to show that the record compels a conclusion that he was credible. See *Mwembie v. Gonzales*, 443 F.3d 405, 410 (5th Cir. 2006). He thus fails to show past persecution or a well-founded fear of future persecution. See *Zhang v. Gonzales*, 432 F.3d 339, 344-45 (5th Cir. 2005).

Benavides asks this court to take judicial notice that Sandinista leader Daniel Ortega has been elected President of Nicaragua. This "attempt to argue officially noticed facts for the first time in this forum is misplaced, for we cannot weigh evidence that has not been brought previously before the [BIA]." *Rivera-Cruz v. INS*, 948 F.2d 962, 967 (5th Cir. 1991).

The petition for review is DENIED.